

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JAMES JENKINS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:14-cv-758-HEH
)	
REALPAGE, INC.,)	
)	
Defendant.)	
)	

**MEMORANDUM IN SUPPORT OF JOINT MOTION TO TRANSFER
THIS ACTION TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Plaintiff, James Jenkins ("Plaintiff"), and Defendant, RealPage, Inc. ("RealPage"), jointly request the Court to transfer this case to the United States District Court for the Eastern District of Pennsylvania. Pursuant to 28 U.S.C. § 1404(a), "[A] district court may transfer any civil action . . . to any district or division to which all parties have consented." "[A] motion to transfer an action under § 1404 is addressed to the sound discretion of the district court." Akers v. Norfolk & W. Ry. Co., 378 F.2d 78, 81 (4th Cir. 1967). Section 1404(a) directs courts considering a transfer to evaluate (1) "the convenience of the parties and witnesses," and (2) "the interest of justice."

Plaintiff and RealPage each consent to a transfer to the Eastern District of Pennsylvania. It is the parties' intention, after a transfer, to consolidate this matter with the case captioned Stokes v. RealPage, Inc., No. 2:15-cv-01520-JP (E.D. Pa.). Plaintiff's counsel has already had discussions with plaintiff's attorneys in Stokes, and they have represented that they will support consolidation of the two lawsuits.

Consolidation will permit a streamlined exchange of information in discovery. Stokes involves several factual issues that will require the same or similar discovery as pursued in this case. Both this matter and Stokes involve a single defendant, RealPage, and tenant screening consumer reports generated in connection with applications to lease apartments. See Class Action Compl. ¶ 1, ECF Doc. No. 1, Stokes, No. 2:15-cv-01520-JP (E.D. Pa. Mar. 25, 2015) ("Stokes Compl."); Class Compl. ¶¶ 8–9, ECF Doc. No. 1, Jenkins v. RealPage, Inc., No. 3:14-cv-758-HEH (E.D. Va. Nov. 5, 2014) ("Jenkins Compl."). Each case involves allegations that a rental application was denied due to inaccurate criminal record information in consumer reports. Stokes Compl. ¶¶ 29, 43; Jenkins Compl. ¶¶ 10, 13. In addition, both plaintiffs allege that they requested, but did not receive, all required information in their consumer file disclosures. Stokes Compl. ¶¶ 11–13; Jenkins Compl. ¶¶ 14–21.

Plaintiff's case and Stokes also involve similar claims. Each lawsuit alleges that RealPage willfully violated the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681 *et seq.* Stokes Compl. ¶¶ 67, 69; Jenkins Compl. ¶¶ 34, 44, 49. Both plaintiffs seek to bring claims individually and on behalf of a putative class. Stokes Compl. ¶ 57; Jenkins Compl. ¶¶ 26, 37. Further, in at least two instances, the plaintiffs allege violations of the same provisions of the FCRA. Stokes Compl. ¶¶ 67, 69 (alleging violations of 15 U.S.C. § 1681e(b) and § 1681g(a)); Jenkins Compl. ¶ 32, 47 (same).

A transfer to the Eastern District of Pennsylvania would be more convenient for the parties and witnesses, and would also promote the interests of justice. After the transfer, Plaintiff and RealPage would seek the benefit of operating under a single pretrial schedule, allowing the parties to engage in unified settlement negotiations while progressing toward a single trial. In addition, the parties and witnesses would have the opportunity to benefit from a

streamlined exchange of information in discovery. This would be more convenient for the parties, who would be able to gather and produce documents and information in a single proceeding. Streamlined discovery would also be beneficial for witnesses, who will not be forced to provide duplicative testimony over the course of multiple depositions. Further, given the overlap of the claims at issue in this case and Stokes, transferring this lawsuit would decrease the risk of inconsistent judgments, thereby promoting the interests of justice.

Therefore, the Court should transfer this case to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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